

1 BILL NO. S-82-10-08 (as amended)

2 SPECIAL ORDINANCE NO. S-217-82

3 AN ORDINANCE approving the filing
4 of a petition to establish a
5 conservancy district for the imple-
6 mentation of certain flood control
7 projects.

8 WHEREAS, the City of Fort Wayne, Indiana, and surround-
9 ing areas have, over the last several years, experienced repeated
10 severe flooding; and

11 WHEREAS, this flooding has caused extensive damage
12 to homes and businesses, and interfered with the personal and
13 business activities in and around the City of Fort Wayne; and

14 WHEREAS, no adequate administrative vehicle presently
15 exists for the implementation of flood control plans and works
16 which have been, or may be, developed; and

17 WHEREAS, such an administrative vehicle is necessary
18 to develop, coordinate and control such plans and projects; and

19 WHEREAS, it is necessary to establish such an admini-
20 strative vehicle for the purposes of establishing, controlling
21 and collecting such use and benefit taxes as may be levied to
22 fund any necessary flood control project(s); and

23 WHEREAS, such an administrative vehicle is necessary
24 for the purposes of seeking and accepting such financial aid
25 and contributions as may be available from any source, and
26 applying said funds to necessary projects; and

27 WHEREAS, state law (I.C. 13-3-3-1, et seq.) permits
28 the establishment of a conservancy district for flood control
29 purposes; and

30 WHEREAS, there has been prepared a "Petition to Establish
31 Conservancy District", which is the necessary first step to
32 create such a conservancy district.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

1 Page Two

2
3 OF THE CITY OF FORT WAYNE, INDIANA:

4 SECTION 1. That the creation of an agency to develop,
5 coordinate and finance flood control plans and projects for the
6 future protection and wellbeing of the people and property in
7 and around the City of Fort Wayne is necessary.

8 SECTION 2. That a proper and expedient course to
9 follow to meet this need is for the City of Fort Wayne to petition
10 for the establishment of a conservancy district as authorized
11 by I.C. 13-3-3-1, et seq.

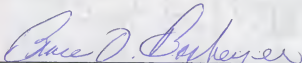
12 SECTION 3. That the Common Council of the City of
13 Fort Wayne has reviewed the "Petition to Establish Conservancy
14 District", with attachments, as prepared by legal counsel, a
15 copy of which is attached hereto as a part hereof.

16 SECTION 4. Except as provided in Section 5 hereof,
17 the "Petition to Establish Conservancy District" is approved
18 in all respects and should be filed with the Circuit Court to
19 initiate the establishment of a conservancy district, and the
20 City Attorney should take all other necessary steps for the
21 complete establishment of a conservancy district for the purpose
22 of initiating, and maintaining certain flood control projects
23 which will benefit the City of Fort Wayne and the land which
24 is within the proposed conservancy district.

25 SECTION 5. That no special benefit tax shall exceed
26 30 cents per \$100.00 of assessed valuation of real property
27 in the conservancy district.

28 SECTION 6. That this Ordinance shall be in full force
29 and effect from and after its passage and any and all necessary
30 approval by the Mayor.

27
28
29
30 APPROVED AS TO FORM
AND LEGALITY

31 
32 Bruce O. Boxberger, City Attorney


Councilmember

16 SECTION 4. That the "Petition to Establish Conservancy
17 District" is approved in all respects and should be filed with
18 the Circuit Court to initiate the establishment of a conservancy
19 district, and the City Attorney should take all other necessary
20 steps for the complete establishment of a conservancy district
21 for the purpose of initiating, and maintaining certain flood
22 control projects which will benefit the City of Fort Wayne and
23 the land which is within the proposed conservancy district.

24 SECTION 5. That this Ordinance shall be in full force
25 and effect from and after its passage and any and all necessary
26 approval by the Mayor.

Read the first time in full and on motion by E. Westman, seconded by Stew, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 10-12-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by E. Westman, seconded by Stew, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>5</u>	<u>3</u>	<u>1</u>		
<u>BRADBURY</u>	<u>X</u>				
<u>BURNS</u>			X		
<u>EISBART</u>	<u>X</u>				
<u>GIAQUINTA</u>	<u>X</u>				
<u>SCHMIDT</u>		<u>X</u>			
<u>SCHOMBURG</u>		<u>X</u>			
<u>SCRUGGS</u>	<u>X</u>				
<u>STIER</u>		<u>X</u>	X		
<u>TALARICO</u>	<u>X</u>				

DATE: 11-23-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. S-217-82
on the 23rd day of November, 1982.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock 4 M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 29th day of November 1982, at the hour of 9 o'clock A M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>1437</u>	<u>33</u>	_____	_____	_____
<u>BRADBURY</u>	<u>X</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	_____	<u>X</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>X</u>	_____	_____	_____
<u>SCRUGGS</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>X</u>	<u>X</u>	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of
_____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR. - MAYOR

Amended

That no special benefit tax shall exceed 30 cents per \$100⁰⁰ of assessed valuation of real property in the conservancy district.
As Amended
Filed
Nov. 16
23

BILL NO. S-82-10-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN ORDINANCE approving the filing of a petition to establish a conservancy district for the implementation of certain flood control projects

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

PAUL M. BURNS

VICTURE L. SCRUGGS

ROY J. SCHOMBURG

[Signatures: Ben A. Eisbart, Janet G. Bradbury, Paul M. Burns, Victure Scruggs, Roy J. Schomburg]

11-22-82

CONCURRED IN

DATE 11-22-82 CHARLES W. WESTERMAN, CITY CLERK

STATE OF INDIANA)
)
COUNTY OF ALLEN)

SS:

IN THE ALLEN CIRCUIT COURT
CAUSE NO.

IN RE: THE MATTER OF THE CITY OF FORT WAYNE'S)
)
PETITION TO ESTABLISH A CONSERVANCY DISTRICT)

PETITION FOR ESTABLISHMENT

COMES NOW, the CITY OF FORT WAYNE, by counsel, and petitions the Court for an order approving the establishment of a conservancy district pursuant to I.C. 13-3-3-1, et seq. In support of this petition, it is stated:

1. That I.C. 13-3-3-1-, et seq., provides for the establishment of a conservancy district;
2. That this Court has exclusive jurisdiction over a petition to establish a conservancy district pursuant to I.C. 13-3-3-14;
3. That said statute further provides that a municipality may petition, or join in a petition, for the establishment of a conservancy district involving property wholly or partially within the corporate limits of said municipality;
4. That the Common Council for the City of Fort Wayne did, on October ___, 1982, pass an ordinance, referred to as Bill No. S-82-10-___, approving this petition and authorizing its filing on behalf of the City of Fort Wayne;
5. That the name for the proposed district is the "Allen County Conservancy District";
6. That the area to be included in the district is all land presently within the established boundaries of Allen County, Indiana, including all of the incorporated area of the City of Fort

Wayne; also including the municipalities of New Haven, Woodburn Monroeville, Grabill and Huntertown in the event that, and at such time as, the legislative bodies or residents of each said municipality join in this petition or separately petition for the inclusion in the district;

7. That the district is to be established for the specific purposes of flood prevention and control;

8. That such a conservancy district is necessary to protect the citizens and property of Fort Wayne and surrounding areas from injury and damage, and to relieve or eliminate the adverse economic impact caused by flooding;

9. That the costs and damages of and to be paid solely by the district will probably be less than the benefits received in the district;

10. That the creation of the conservancy district will be conducive to public health, safety and welfare;

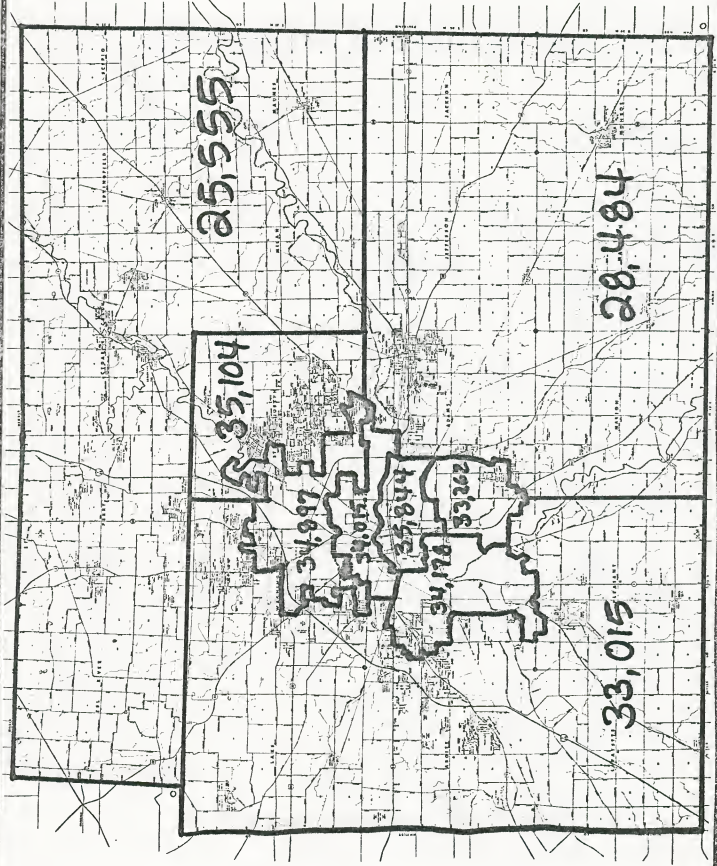
11. That this petition for the establishment of the conservancy district is not conditioned upon the receipt of federal or state funds;

12. That the establishment, maintenance and improvement of the works necessary to accomplish the purposes of the conservancy district will be funded by an annual levy of a special benefits tax, the assessment of land found to be exceptionally benefitted and such other state or federal funds as may be available; and

13. That the proposed conservancy district will have nine (9) areas, and one (1) director for each such area.

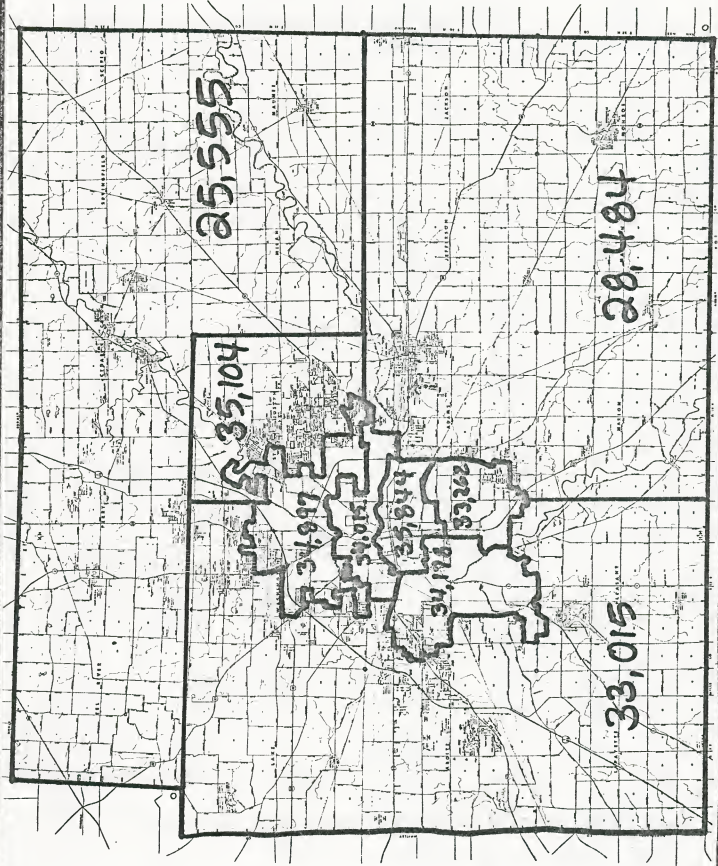
WHEREFORE, the City of Fort Wayne prays and requests that the Court examine this petition as to form and statutory requirements, and, if proper, refer this petition to the NRCI for consideration, and for all other just and proper relief in the premises.

EXHIBIT A



ALLEN COUNTY CONSERVANCY DISTRICT

EXHIBIT A



ALLEN COUNTY CONSERVANCY DISTRICT

NAMES SUBMITTED TO CITY CLERK - REGARDING BILL NO. S-82-10-08

- Susan Hill*
COUNTY
COUNTY TRADING EXCLUDE OTHER WATER SEWER
- C
1. ~~ETHEL BLOCK~~
 2. ~~WOODROW WILSON - JOHN HILGER - ELIS McFADDEN - COMBINED PRESENTATION~~
 3. ~~TOM DUSTIN~~
 4. ~~DAN YODER - ALLEN COUNTY TRUSTEE~~
 5. ~~KENNETH HARBER - CITIZEN (PEMBERTON AREA)~~
 6. ~~BILL SHORT - CITIZEN or MR. GALLIVAN - ATTORNEY (PLEASANT TOWNSHIP)~~
 7. ~~JACK BRIDGES -- 17920 TONKLIN ROAD~~
 8. ~~TOM LEMBACK)~~
 9. ~~HILDA ZENT) COVINGTON AND ARDMORE AREA~~
 10. ~~BETTY MILLS - CITY OF NEW HAVEN - TRIER DITCH~~
 11. ~~KENNETH RINGER - WEST MAIN STREET~~
 12. ~~BON STEININGER - ATTORNEY~~
 13. ~~HAROLD W. FEUCHTER - CITIZEN~~
 14. ~~JIM WINTER - WAYNE TOWNSHIP TRUSTEE~~
 15. ~~JAKE KERN) - NEIGHBORHOOD SPOKESPERSON~~ *in place Larry Casabere*
 16. ~~MARTIN LEASON OR DAN CARPENTER - SPY RUN~~
 17. ~~BRUCE FRANKE~~ *ADVISORY*
 18. ~~DAN WIRE~~
 19. ~~CARL O'NEAL~~
 20. ~~DAVID PERLINI~~
 21. ~~FRANK HEYMAN~~
 22. ~~ABE FARKAS~~
 23. ~~CLARENCE E. SMITH - COALITION FOR THE ENVIRONMENT, INC.~~
 24. ~~WILLIAM L. SWEET - ALLEN COUNTY SURVEYOR (WANTS TO BE LAST OR VERY LATE ON THE AGENDA --SO THAT HE MAY HELP SUMMARIZE REMARKS OF PREVIOUS SPEAKERS)~~
 25. ~~MIKE GRAHAM - CD&P~~

Amanda Stauffer - (called Monday - wants to be placed on the agenda -- was out of town for three weeks - attending a sick mother and funeral --(mother died).

names in by Nov 12 - 7:00 -

Nov. 16.

2 min.

To appear before Common Council regarding Bill No. S-82-10-08

Ethel Block -
Woodrow Wilson -
Ton Dustin
Dan Yoder - Allen County Trustees

^{John} ~~John~~ ^{W. H. Hager}, ^{Elia} ~~Elia~~ ^{McFadden}, ^{Combined} ~~permitted~~

Kenneth Harter - citizen - (Pemberton area)

{ Bill Shook - Citizen of Mr. Gallivan's attorney
{ Pleasant Township

Jack Bridges - 1720 Franklin Rd.

{ Tom Lembock - Covington & Ardmore area
{ Helas Zent

Betty Mills - City of New Haven ^{Ditch} ~~Trick~~

Kenneth Ringer - West Main Street

Don Steininger - attorney -

Harold W. Feichter - citizen

Jim Wenter - Wayne Township Trustee.

~~Master Haverdoo Dan Carpenter~~
~~by Dan Haverdoo here.~~

FOR COUNCIL MEETING, TUESDAY, NOVEMBER 16

RE: CONSERVANCY

BRUCE FRANKE
DAN WIRE
CARL O'NEAL
DAVID PERLINI
FRANK HEYMAN
ABE FARKAS

ALSO: NEIGHBORHOOD SPOKESPERSONS

JAKE KERN

MARTIN LEASON *or Dan ~~Cro~~ Carpenter - Spy Run.*



ORVAL E. GIBSON
CHIEF, DEPUTY

William L. Sweet, P.E., L.S.
ALLEN COUNTY SURVEYOR

ONE MAIN STREET, 6TH FLOOR

FORT WAYNE, INDIANA 46802

PHONE (219) 423-7625

November 12, 1982

Fort Wayne City Council
City/County Building
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Bradbury:

Please put me on the agenda for the Committee meeting on
November 16, 1982.

I would also appreciate being last or very late on your list
of speakers: it is my thought that I may be able to be of real
assistance to you by summarizing the remarks of previous speakers.

Sincerely yours,

William L. Sweet, P.E., L.S.
Allen County Surveyor

WLS/cc



Coalition For The Environment, Inc.
Fort Wayne, Indiana

NOVEMBER 11, 1982

CHARLES WESTERMAN
CITY CLERK

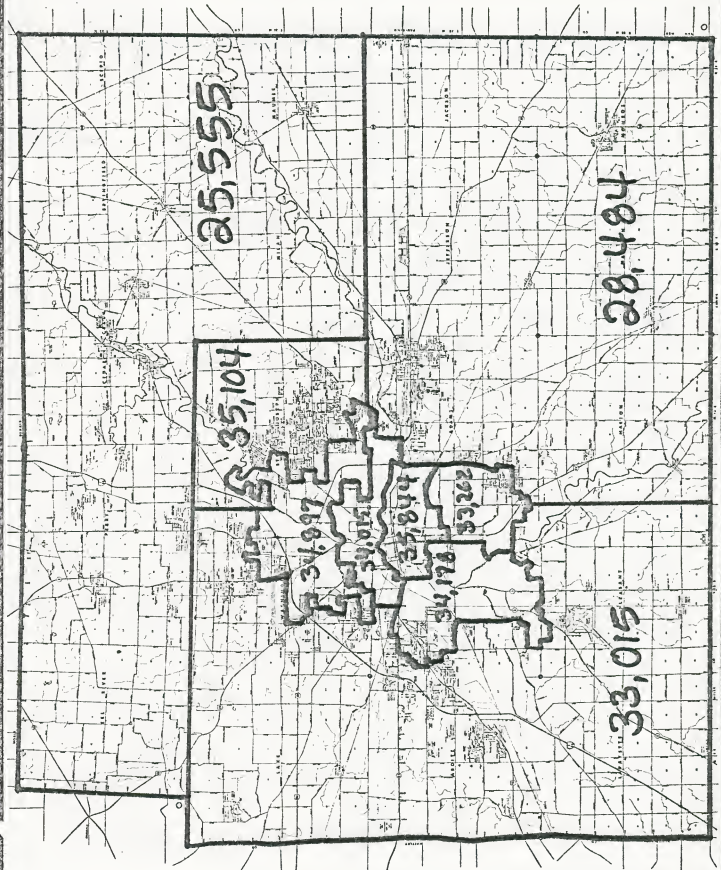
I would like to be on the agenda of the city Council meeting Tuesday night November 16, 1982, concerning the Flood Plan, Representing the Coalition For the Environment, Inc. as President.

Sincerely Yours,

Clarence E. Smith

CLARENCE E. SMITH
4711 Tacoma Ave.,
Fort Wayne, Ind. 46807

EXHIBIT A





The Izaak Walton League of America

INCORPORATED
DEFENDERS OF SOIL, WOODS, WATERS AND WILDLIFE

OFFICERS: SEPT. 1982 - SEPT. 1983

PRESIDENT: ETHEL R. BLOCH, 6340 DONNA RD., FORT WAYNE, IN 46819, PHONE 219-747-4450

SECRETARY CONNIE BYERS 2025 N. APPERSON WAY KOKOMO, IN 46901	TREASURER GALE S. ATWOOD 3625 LINCOLN ST. GARY, IN 46408	FIRST VP GEORGE W. SCHMITT 1930 S. BUCKEYE KOKOMO, IN 46901	WOMEN'S VP JODI PIERCE 321 HICKORY STREET MICHIGAN CITY, IN 46360	NORTHWEST VP TED GLICK 2933 W. 39th AVENUE HOBART, IN 46342
NORTHEAST VP DON WILKINSON 701 COLUMBIA FORT WAYNE, IN 46805	WEST CENTRAL VP JAMES D. HODSHIRE RR1, BOX 266 CLAYTON, IN 46118	EAST CENTRAL VP GEORGE REISMILLER 408 WALNUT ST. ALEXANDRIA, IN 46001	SOUTHEAST VP LARRY GOODPASTURE RR1, BOX 277 GREENFIELD, IN 46140	SOUTHWEST VP M. E. WEBBER 1517 S. THIRDO CLINTON, IN 47842

EXECUTIVE SECRETARY: THOMAS E. DUSTIN, 1802 CHAPMAN ROAD, HUNTERTOWN, IN 46748, PHONE 219-637-6264

Indiana Division

November 16, 1982

To: Common Council
City of Fort Wayne, Indiana

Subject: Bill Number S-82-10-08

Statement of: Indiana Division, Izaak Walton League of America, Inc.
Thomas E. Dustin, Executive Secretary
1802 Chapman Road
Huntertown, Indiana 46748

Honorable Members:

As we have submitted in the past, you will find the 1982 resolution of the Indiana Izaak Walton League dealing with flood control in the Fort Wayne area. This is being provided to continue our interest and standing in all administrative phases of the program.

We have reviewed the language of the proposed ordinance as it existed last week, and the proposed Petition For Establishment of a Conservancy District. In our view, these documents are wholly inconsistent with the League's position, in that they provide no directions whatever toward an acceptable plan which will address the root causes of Fort Wayne's flooding problems.

I wish to make it clear that the League supports an effective flood control plan, and that plan is adequately outlined in our resolution. Our recommendations have thus far been totally ignored in favor of a discredited Corps of Engineers retreat which contains neither assured benefits nor accurate costs. It is merely an expeditious and mechanistic approach which not only will fail to solve Fort Wayne's problems, but will actually aggravate those problems because it ignores their causes.

The Conservancy District, which is also officially opposed by our Fort Wayne Chapter, should not be created as proposed, for the following reasons, among others:

- 1) The purpose of the Conservancy District is limited to flood control, when there are a total of nine purposes for which such a District can be created. It ignores recreation, among other purposes, thus side-

tracking a long-sought River Greenway system. IC 13-3-3-2 states as follows:

"(6) Developing forests, wildlife areas, parks, and recreational facilities where feasible in connection with beneficial water management."

This would be among the keystones of intent in our resolution, which would also add substantially to flood control objectives by metering flood waters reaching the city.

2) The Conservancy District also ignores erosion in its purposes, as set forth in the Act:

"(7) Preventing the loss of topsoil from injurious water erosion."

This is also one of the root problems in the Fort Wayne area. Silta-tion seriously impairs channel capacity to speed drainage in the most affected areas. The plan will merely dredge out symptoms, not causes.

3) The proposed District is limited to Fort Wayne; and there seems almost no likelihood that other jurisdictions will join it. Without direct participation within all jurisdictions in the watershed, the effectiveness of the District will be close to nil. As we have testified on several occasions, all of the involved jurisdictions are essential to resolution of Fort Wayne's problems--all jurisdictions in Allen County and in all other Indiana counties within the watershed, and all jurisdictions in the affected areas of Ohio, where the two major streams originate. EVERYTHING will be wasted in the absence of that level of cooperation and interaction.

4) If this District is created in its presently proposed form, there is NO likelihood that any plan than the one presently endorsed by the city will be considered, since the District will be dominated by the very jurisdictions which have advocated that plan. It is perfectly clear that none of these jurisdictions have the slightest intent to prevent future alteration of the remaining floodways and other areas subject to flooding. They had several opportunities to demonstrate that intent since the March flood, and they did nothing to prevent additional encroachments.

5) Once created, Conservancy Districts have enormous taxing powers, powers of condemnation virtually unbridled, and it is next to impossible for the affected populations to dissolve them--though dissolution does occur from time to time because so many of them are ineffective and destructive.

6) The costs used by the City in attempting to sell this project and to establish the District are antiquated at \$119-million, and everyone knows it but the taxpayers who will be victimized by it. In today's



The Izaak Walton League of America

INCORPORATED
DEFENDERS OF SOIL, WOODS, WATERS AND WILDLIFE

OFFICERS: SEPT. 1982 - SEPT. 1983

PRESIDENT: ETHEL R. BLDCH, 6340 OONNA RD., FORT WAYNE, IN 46818, PHONE 219-747-4450

SECRETARY
CONNIE BYERS
2025 N. APERSON WAY
KOKOMO, IN
46901

TREASURER
GALE S. ATWOOD
2625 LINCOLN ST
GARY, IN
46403

FIRST VP
GEORGE W. SCHMITT
1805 S. BUCKEYE
KOKOMO, IN
46901

WOMEN'S VP
JOEL PIERCE
321 HICKORY STREET
MICHIGAN CITY, IN
46360

NORTHWEST VP
TED GLICK
2033 W. 39th AVENUE
HOBART, IN
46342

NORTHEAST VP
DON WILKINSON
701 COLUMBIA
FORT WAYNE, IN
46805

WEST CENTRAL VP
JAMES O. HOODSHIRE
R.R. BOX 266
CLAYTON, IN
46118

EAST CENTRAL VP
GEORGE REISMILLER
405 WALNUT ST.
ALEXANDRIA, IN
46001

SOUTHEAST VP
LARRY GOODPASTURE
R.R. BOX 277
GREENFIELD, IN
46140

SOUTHWEST VP
M. E. WEBBER
1517 S. THIRD
CLINTON, IN
47382

EXECUTIVE SECRETARY: THOMAS E. DUSTIN, 1802 CHAPMAN ROAD, HUNTERTOWN, IN 46748, PHONE 219-637-6264

Indiana Division

RESOLUTION NO. 14

FLOOD CONTROL AT FORT WAYNE

WHEREAS, the City of Fort Wayne experienced what is said to have been a "record" flood in the Spring of 1982, despite the fact that less precipitation was involved than in the previously recognized 1913 record flood, and lower flow rates were documented; and,

WHEREAS, man-made obstructions and changes in the flood plain and floodway areas of the St. Mary's, St. Joseph, and Maumee Rivers over the years have significantly contributed to the water levels within the city during flood conditions; and,

WHEREAS, local and state authorities have failed to prohibit construction, filling, channel modification and other practices which have amplified flood problems at Fort Wayne, despite the well-documented hydrologic history of the area's three rivers known throughout this century; and,

WHEREAS, the favored remedial plan presented by the City of Fort Wayne centers on major ditch bypassing of St. Mary's waters south and east of the city, miles of channelization of the Maumee east of the city as it flows toward Ohio and downstream cities, other channel work and dikes within the city, and only superficial reference to relocation of structures exposed to flood damages; and,

WHEREAS, flood losses in the area have been estimated at an

annual average of \$9-million, insufficient for a payback of even the interest on the estimated \$118-million cost of this plan, even if it were effective enough to reduce residual damages to zero; and,

WHEREAS, the environmental impact of this project has not been considered at all, cost estimates are more than half a decade old, and the plan addresses only local relief without considering downstream effects; now, therefore,

BE IT RESOLVED, that the Indiana Division, Izaak Walton League of America, in convention assembled this 13th day of June, 1982, at Kokomo, Indiana, calls for a full inter-governmental review of flood control programming at Fort Wayne, including environmental impact and cost effectiveness, with primary emphasis on non-structural remedies, including:

a) Rigid zoning against all construction and alteration on remaining natural flood plains and floodways in the watershed;

b) Both short-term and long-term policy of removing buildings and other structures exposed to flood damages or which obstruct or impede flow of the rivers at the 100-year level;

c) Dedication of existing natural flood plains and restoration of altered or inappropriately managed flood plains and floodways as "greenways," recreational corridors and other uses not damaged significantly by high waters;

d) Agricultural setbacks and reforestation of such corridors where excessive drainage contributes to flood problems,

siltation in the rivers, and runoff of fertilizers and pesticides; and

e) Enactment and implementation of the foregoing policies and practices be a prerequisite to any Federal or state funding of an overall flood control program centering on the Fort Wayne area; and,

BE IT FURTHER RESOLVED, that because those who currently live in flood prone areas often understand little about the causes of flooding and the principles of hydrology, the Indiana Division and Fort Wayne Chapter of the League dedicate themselves to conduct a grass roots campaign to educate those citizens of Fort Wayne and Allen County directly affected by this flood as to the benefits and cost-effectiveness of the above-mentioned non-structural remedies for flooding.

real world, the costs will be \$200-million, and possibly much more. To the extent costs have not been officially updated, this is a dishonest program. Also, the benefits have not been calculated; and to that extent, the program is a deception, or misleading at best. It has been said that the Corps of Engineers can later develop an economic feasibility study. To that, we say nonsense. It is perfectly routine for the Corps to prepare benefit-to-cost ratios before projects are authorized; and such a study could be carried out before any dragons are created to start an infeasible program. If a Congressional resolution is needed for Corps authority to complete such a study, that can easily be obtained. But you should not create this District until that is done. We should add that such a study should not take long, since the plan is nothing but a resurrection of one of the Corps' original concepts.

7) Considering the enormous fiscal problems of this City, other public works priorities, a potential quarter-billion-dollar state debt, the probability of increased state taxes on individuals and businesses next year, and the dramatic reduction in Federal aid for programs of this kind, the possible quarter-billion dollar cost of this flood control plan should be viewed as politically suicidal for those who would try to load it onto the local, state, and Federal taxpayers. And considering the single-minded and undeviating pursuit of this particularly bad plan, it is beyond our understanding what the underlying influences may be.

8) There is neither a lid on the amount of possible assessments, nor a veto power by any local agency over the taxation and spending powers of the District. From the viewpoint of the District's supporters, that is perfectly understandable because the costs will be staggering, and the public has no idea of what these amounts will mean to them or to the industries of this already-depressed area. Accurate calculation of costs, benefits, and assessments should be plainly disclosed before any Conservancy District is created. The ordinance could put the bit in the teeth of a wild and unbridled horse.

In summary, the District should not be created, and the enabling ordinance should be tabled and redrawn for later consideration when all of the foregoing factors have been resolved, typically:

- 1) A realistic calculation of costs, benefits, and beneficiary assessments;
- 2) Redevelopment of a plan which is economically and environmentally responsible;
- 3) Inclusion of all watershed jurisdictions; including those in Ohio;
- 4) Establishment of a cap upon levies;
- 5) Broadening of the purposes of the District;
- 6) Consideration of whether the District should have the powers of condemnation

Izaak Walton League of America, Inc.

DEFENDER OF SOIL, WOODS, WATERS AND WILD LIFE

17100 GRIFFIN RD., HUNTERTOWN, INDIANA 46748

PRESIDENT: SUSAN TILL
1911 HOLME COURT
FORT WAYNE, INDIANA 46825
(219) 637-3443



November 16, 1972

His Members of the City Council of Fort Wayne, Indiana

I am Susan Till, President of the Fort Wayne Chapter Izaak Walton League of America.

The Fort Wayne Chapter has been cognizant of the flood problem of Fort Wayne and Allen County since 1972 and has been represented on the Mayor's citizen advisory group that has worked on a flood prevention plan. The Chapter has presented flood control alternatives to the City that appear to be missing from the Plan that is before you tonight.

At the Annual Membership meeting held April 20, 1972 the Fort Wayne Chapter members voted and approved the following flood control alternatives:

- A. Stop flooding from combined sewer overflow.
- B. Strengthen City and County flood plain ordinances to:
 1. Stop encroachments in the 100 Year flood plain.
 2. Adopt 100 Year flood plain delineation based on Corps of Engineers 1974 data or accurate local high water mark, whichever is the highest.
- C. River Greenway Priority
 1. Relocation must be accompanied by establishment of River Greenway spill zones where encroachments are prohibited.
 2. Diking must be compensated by establishment of River Greenway spill zone to provide flood capacity removed by dikes.

The Chapter supported the following flood control alternatives:

1. Remove lime sludge at confluence to the Mosey Dam.
2. Improve, repair, complete existing dikes.
3. Relocate chronic hazard areas, such as Thieme Drive, Griffin-River bend, River Haven and others.
4. Review cost effective design and construction of flood "cut-off" such as Eriar Ditch, Junk Ditch and other.

At the Nov. 10th Board of Directors meeting the motion was made and passed unanimously to encourage work to be done to develop a feasible



flood control plan and to discourage the conservancy district plan until it is proven technically feasible and financially fundable.

The Fort Wayne Chapter IWLA strongly requests that the City Council obtain a cost accounting of a conservancy district and then request that an environmental impact assessment be accomplished before any petition be presented for a conservancy district.

Thank you.

A handwritten signature in cursive script, reading "Susan Hill".

Susan Hill, President
Fort Wayne Chapter IWLA

Open letter to : Members of the Common Council
City of Fort Wayne

Re : Conservancy District

The Conservancy District Act under 19-3-2-1 was developed to enable two or more legal subdivisions to band together under one legal entity for the purpose of solving a common problem or problems.

- (1.) The proposed petition before the Council does not meet that criteria.
- (2.) Under 19-3-2-24, the petition must indicate that :
 - a. the conservancy district is needed
 - b. proposes to cover a proper area and
 - c. could be established and operated in a manner compatible with existing conservancy districts, flood control projects, and water management projects.

I remind you that we have three large watersheds and several smaller ones that do not contribute to the flooding in Fort Wayne, and each has it's own flooding problems, with one, Flat Rock, having a conservancy district. You cannot have two conservancy districts with overlapping territory for the same purpose.

This petition does not include any of these three criteria.

- (3.) The city now has authority to cooperate with state and federal agencies and others in solving flooding problems within the city. Under 19-4-18-1, a city has the option of establishing a flood control district encompassing the city and a contiguous territory within four miles of the city. This authority clearly indicates there is no need for a conservancy district.
- (4.) The petitioners are seeking unlimited taxing authority, while claiming that they expect other parties (ie), federal and state to pay at least two-thirds of the total cost of a proposed flood control plan, they are unwilling to accept a cap on the local property tax levy, or to permit a review of the district's budget by the County Council.

It requires a ten cent levy per one hundred dollars of assessed value to raise one million dollars from real property within the county. Should local property owners pay only forty million, which is approximately one third of the cost of the Trier Ditch Plan, we would need a (40) forty cent levy to pay that amount in ten years.

Should controversy or other conditions result in federal and state aid not being available, local property owners would have a levy in excess of two dollars per one hundred dollars of assessed value to cover the total cost of construction including finance fees.

Nearly every week we hear of another proposed bond issue and when combined with others, and other demands on property taxes, property taxes can, and will likely become confiscatory without the addition of the conservancy tax.

- (5.) I would remind you that if you adopt a Conservancy District, you must comply with all provisions of the act, not just the ones that are convenient.

Under 19-3-2-88 (District plan benefitting solely abutting or approximate properties):

If the plan or parts of the plan benefits certain freeholders and not all freeholders in the district, the cost of the works to carry out that plan must be charged to those benefiting properties and must be handled separate from the funds of the general members. These assessments may be handled under Barret Law bonds. There is danger that these assessments could far exceed the benefits to those property owners.

- (6) In order to prevent a giant step backwards in flood control in Fort Wayne, we are recommending that you:
- a. reject this petition
 - b. continue to utilize the authority you have in powers granted to the cities
 - c. reverse the policy of enroachment into the flood plain
 - d. enlist the aid of S.W.C. Districts and other agencies that can aid in erosion control, reduced sedimentation, rapid run off of water, and other water management aids in order to PREVENT and control flooding.
 - e. Consider the benefits of establishing a flood control district under 19-4-18-1
 - f. Should a study show that there is still a need for a conservancy district, design one that:
 1. Covers a proper territory
 2. Solves a common problem and
 3. can be operated compatibly with the other watersheds and their flooding problems within the area.

Frederick
W. Wilson

Gentlemen and Mrs. Bradbury:

I urge you to amend the petition for the Allen County Conservancy District, which is now before you, by inserting the wording as follows:

14. That each annual budget of the proposed conservancy district shall be publicly heard and approved by the county fiscal body prior to the third Thursday in August of each year; and further that no special benefit tax rate shall exceed 30 cents per \$100.00 of assessed valuation of real property.

In support of this may I state in behalf of myself and of many citizens, both City and County, that in my considered judgement:

- a. expenditures of the District must be submitted to a public line-by-line review by a body of persons elected by all voters - both City and County - the same voters who are proposed to be taxed: the County Council is the only such public body we have;
- b. a 30 cent tax "cap" will permit the District to do the job we all want done, provided the State and Federal help is forthcoming - without this "cap" the District could spend much more than you and I now intend;
- c. without both of the above provisions, our citizens will not agree and we will have a house divided in this matter - we will not get State and Federal help if this happens;
- d. Please use my exact words - they have been carefully prepared in accord with State Law - - these words may not be perfect but the risk to the success of your petition by using these exact words is far less than the risk of not including the amendment I propose.

I plead with you to be true non-partisan stewards of good government by adopting this amendment.



William L. Sweet
Professional Engineer

16 November, 1982

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LEAGUE OF WOMEN VOTERS OF FORT WAYNE-ALLEN COUNTY
3001 Fairfield Avenue
Fort Wayne, IN 46807
Nov. 16, 1982

TO: Members of the City Council of Fort Wayne, Indiana
SUBJECT: Conservancy District Petition

The Trier Ditch Plan at a cost of \$119 million is not the answer to a very needed flood prevention plan for Fort Wayne and Allen County.

The League of Women Voters of Fort Wayne-Allen County at the public hearing held on September 22nd, urged the City Council and city officials to reconsider the printed Flood Prevention Plan in order to stop the gross abuse of our rivers and their flood ways-flood plain lands, and to manage the rivers properly. That means using a river basin management plan. Management of our three rivers involves working with the states of Michigan and Ohio to start at the headwaters and correct problems all the way into Indiana and out again to Lake Erie.

You dare not forget that the rivers own the floodways-flood plains and if man builds on them or fills them in, he will suffer increasing physical and monetary consequences.

Reconsider this petition and prepare a better plan to benefit the health and safety of all citizens in the Maumee Basin and the Junk Ditch watershed.

Thank you.

Mary Schneider, Pres.
Ethyle Bloch, Chm. Natural Resources
Committee
League of Women Voters of
Fort Wayne-Allen County

Ethyle Bloch

Section 4. Except as provided in
Section 5¹ here.